HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.24559 of 2006

Date: 22-12-2006

Between:-

Vinkina Veera Raghavendra Rao
and another ..
Petitioners

and

Tanuku Municipality,
represented by its Commissioner,
Tanuku, West Godavari District ..
Respondent

HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.24559 of 2006

ORDER:

1. The matter is coming up for admission today.

2. On 27-11-2006 Sri S.Nageswar Reddy, the learned Standing Counsel had taken notice and requested time to get instructions and the matter was adjourned to 4-12-2006 and subsequent thereto to 11-12-2006 and the matter is appearing today.

3. The Writ Petition is filed for a writ of mandamus or any other appropriate writ declaring the action of the respondent in not acting upon the recommendations of the Sub-Collector, West Godavari District endorsed on the representation of the petitioners as per the rules of A.P.Municipalities Act as illegal, arbitrary, unjust and violative of the principles of natural justice and consequently to direct the respondent to act in accordance with law to show the approach road to the

petitioners building and to grant such other suitable relief.

4. It is stated that the petitioners are the absolute owners of the property admeasuring 484 sq. yards each situate at S.No.30/1 of Sajjapuram, 31st Ward, now 28th Ward under Tanuku Municipality having been purchased through registered sale deeds and they had entered into a development agreement for construction of a commercial complex in the said site and such they had applied for construction permission to the respondent. The respondent had approved the application of the petitioners in B.A.No.107/2005 dated 10-6-2005 for construction of cellar, Ground + 3 floors as per the conditions of B.P.No.63/2005 and as such the petitioners had completed the construction of the building. It is further stated that the land is very near to the four road junction i.e., Rashtrapathi Road, Station road and coaxial road and the traffic is very heavy at this junction and as such the construction of flyover was proposed there. It is also stated that the road became very dangerous for the pedestrians and also the vehicles and some unauthorized persons are keeping their taxis on the road causing obstruction to the traffic and closing the way to the petitioners building. The petitioners made a representation to the Sub-Collector, West Godavari in this regard for taking necessary action for removal of the obstruction. The Sub-Collector, West Godavari District

had recommended for removal of obstruction and for shifting of taxi stand and also directed to show the approach road to the said building. It is also further stated that in spite of the recommendation of the Sub-Collector the respondent is not acting in accordance with the rules due to some political threat. It is also stated that the respondent had issued occupancy certificate to the petitioners on 3-11-2006 in proceedings R.O.C.No.2121/2006.F.1. It is further stated that even though the petitioners got occupancy certificate they do not have approach road to their building and as the obstruction is on the Government land the petitioners had approached the concerned authorities for appropriate action and in spite of recommendation referred to supra no further action is being initiated. Certain other further difficulties also had been explained in the affidavit filed in support of the Writ Petition.

5. In the light of the facts and circumstances explained in detail, this Court is of the considered opinion that the Writ Petition be disposed of directing the respondent to look into the grievance of the petitioners and further proceed in accordance with law keeping in view the recommendations said to have been made by the Sub-Collector, West Godavari District and take appropriate decision within a period of eight weeks from

the date of receipt of a copy of this order. The Writ Petition is accordingly disposed of. No costs.

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Justice P.S.Narayana

Date: 22-12-2006

Note: Furnish copy in a week.

AM